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Section 16

Uintah Basin Plan

Utah State Water Plan

Federal Water Planning and Development

The role of the federal government is changing from one of construction and development to one of preservation, conservation management and maintenance. Federal funding of construction and development is decreasing, while regulatory programs are increasing.

16.1 Introduction

Although the activities of federal agencies are changing, many historical programs are still available. To use them, local people must be informed about program functions and how to gain access. With this information, better interagency and local working relationships are possible. To this end, a brief description of various agency programs is given.

16.2 Background

With an increase in regulatory requirements and congressional attempts to balance the budget, gaps in technical assistance and funding may occur. Frequently, federal requirements of higher standards for resource uses without additional funds add costs to state and local budgets. This reduces the state and local funds for carrying out water resource conservation and development programs.

16.3 Federal Programs

Various federal agencies and their programs are briefly described below.

16.3.1 Bureau of Land Management

The Federal Land Policy and Management Act gives the Bureau of Land Management (BLM) authority to inventory and comprehensively plan for all



First major spill at Upper Stillwater Dam, June 30, 1995

public lands and resources under its jurisdiction, including water. It is also responsible for managing the wilderness areas and wild and scenic and recreational rivers on BLM land. There are wilderness and primitive areas in the Uintah Basin.

Water resources are rapidly becoming a major determinant of resource management alternatives. Quality and quantity of water are now major elements of resource management plans (RMPs) as the BLM manages riparian habitats of streams, lakes, reservoirs and ponds on its lands. Public lands in Daggett, Duchesne and Uintah counties are within the BLM Vernal District.

Completed resource management plans¹¹⁹ in the Uintah Basin exist for Book Cliffs (1985), Nine

Mile Canyon (1997)¹⁰⁹ and Diamond Mountain (1993).¹¹⁰ An Environmental Impact Statement for the White River Dam Project was completed in 1975, and an Environmental Assessment Planning Amendment for the lands acquisition in Nine Mile Canyon was completed in 1997.

16.3.2 Bureau of Reclamation (BR)

Three broad categories of water resources programs are administered by the BR. They are investigation, research and service -- all requiring close cooperation with concerned citizens.

Investigation Programs - General investigations are conducted for single and multipurpose water projects. Environmental assessments are usually included.

Research Programs - The BR conducts research on water project design, construction and materials. Research is also carried out on atmospheric management, as well as geothermal and solar power. Most programs are conducted in cooperation with other entities. Early in the Central Utah Project, the BR studied the feasibility of hydroelectric generation at the Split Mountain and Desolation Canyon Dam sites. Feasibility was better at the Flaming Gorge site where the dam was built.

Loan Programs - These programs have provided federal loans to qualified organizations wishing to construct or improve smaller and generally less complex water resources infrastructures. The BR has recently reassessed its loan programs and concluded that they need major redirection. As a result, the BR is no longer accepting applications for loans.

Service Programs - These programs are designed to provide data, technical knowledge and expertise to state and local governmental agencies. They aim to avoid duplication of special service functions. Local governments pay for these services.

Project Construction - The BR is phasing out its project construction programs. Constructions of Jordanelle Dam and Sixth Water Aqueduct were probably the last major projects for the BR in Utah. The Central Utah Project Completion Act transferred authority for constructing remaining elements of the Central Utah Project to the Central Utah Water Conservancy District.

16.3.3 The U. S. Army Corps of Engineers (COE)

If local entities are unable to deal with a large water resources problem, they may petition their congressional representatives for COE assistance under the Civil Works-General Investigation Authority. They may request assistance with smaller problems directly from the local COE office under the Continuing Authority Program. This allows the COE to investigate the economic, technical, social and environmental acceptability of remedial measures. When the directive covers an entire river basin, the COE studies it as a unit and prepares a comprehensive plan. Close coordination is maintained with local interests, the state and other federal agencies.

Numerous water resources studies have been conducted and several projects built within the basin. Recent studies include the Duchesne River and Ashley River investigations. A streambank protection project along the Duchesne River near Duchesne was completed in November 1990. A Reconnaissance Investigation of Ashley Creek and a Clearing and Snagging Project along a 12-mile reach between Highway 191 and Ashley Spring were completed in 1965. Also, the city of Vernal received emergency assistance during the 1983-1984 flooding. The CUWCD is assisted by the COE in the flood control operation of Red Fleet and Flaming Gorge reservoirs.

The COE, in cooperation with the Bureau of Reclamation and the Central Utah Water Conservancy District, has established specific operating criteria for Flaming Gorge Reservoir during periods of high runoff and flooding. Under this authority, known as Section 7, the COE also monitors the operation on a real-time basis.

The COE also has emergency assistance authorities. Requests for emergency assistance should be made through the Utah Division of Comprehensive Emergency Management.



Thornberg Diversion

16.3.4 Environmental Protection Agency (EPA)

Environmental Protection Agency programs include safe drinking water under the Safe Drinking Water Act and water pollution control under the Clean Water Act. The Safe Drinking Water Act increased the number of regulated drinking water contaminants. It added new required treatment methods and made other revisions. Congress is currently considering the act for re-authorization. Important aspects of the Clean Water Act include the National Pollutant Discharge Elimination System (NPDES) Section 402 which regulates the discharge of point sources of pollutants to waters of the United States.

Construction grants originally provided funds for construction of needed municipal wastewater treatment facilities. This program was phased out in 1990 and replaced with a revolving loan fund managed by the states.

Water quality management planning and non-point source pollution control, Section 604(b), provides funds to states to carry out water quality management planning. Section 319 of the act authorizes funding for

implementation of non-point source pollution control measures under state leadership.

16.3.5 Federal Emergency Management Agency (FEMA)

FEMA programs are directed to disaster preparedness, assistance and mitigation. They provide technical assistance, loans and grants.

Presidential-Declared Disaster - After the president declares a major disaster, usually following a governor's request, grants are available to state and local governments for mitigation.

Assistance Grants - The FEMA can provide matching grants to help states develop and improve disaster preparedness plans and develop effective state and local emergency management organizations. Also, grants are available to develop earthquake preparedness capabilities.

Flood Plain Management - The FEMA provides technical assistance to reduce potential flood losses through flood plain management. This includes flood hazard studies to delineate flood plains, advisory services to prepare and administer Flood plain management ordinances and assistance in enrolling in the National Flood Insurance Program. The FEMA can also help with the acquisition of structures in flood plains subject to frequent flooding.

16.3.6 Fish and Wildlife Service (FWS)

The FWS carries out many of the mandates of the Endangered Species Act, Fish and Wildlife Coordination Act, Clean Water Act and the Migratory Bird Treaty Act. The FWS manages the Ouray National Wildlife Refuge and Jones Hole National Fish Hatchery.

The FWS is the federal agency with responsibility for ensuring the long-term conservation and protection of certain federal trust resources, including threatened and endangered species, migratory birds, wetlands, and fish and wildlife resources that may be impacted by federally permitted or funded projects. Additionally, the FWS manages fish and wildlife habitat in the National Wildlife Refuge system. The FWS's authorities come from the Endangered Species Act, the Clean Water Act, the Migratory Bird Treaty Act, the Bald Eagle Protection Act, the Fish and Wildlife Coordination Act, the National Environmental Policy

Act, and the National Wildlife Refuge System Administration Act.

The FWS compiles lists of animal and plant species native to the United States that are being reviewed for possible addition to the List of Endangered and Threatened Species. Such species are generally referred to as Candidate Species. Candidate Species are those for which the FWS has sufficient information on biological vulnerability and threats to support addition to the list. Species considered threatened or endangered in the Uintah Basin are given in Table 16-1. These lists change over time as other species are added when they become threatened or are removed when they recover. When any activity is planned which may affect a threatened or endangered

species, it is the responsibility of the sponsor of the activity or project to take actions to protect them.

When right-of-way permits are required on federal lands, the consultation requirement under the Fish and Wildlife Coordination Act is actuated. If federal funds are involved, Section 7 consultation with the FWS is required by the Federal Endangered Species Act (also see Section 14 of this basin plan). Section 404 permitting under the Clean Water Act, as administered by the Corps of Engineers, calls for the FWS to respond on impacts to wetlands and on threatened or endangered species. Under the Migratory Bird Treaty Act, all birds are protected except starlings, English Sparrows and pigeons.

Table 16-1 Candidate and Listed Species		
Candidate Species	Listed Species	Category
Canada lynx	Razorback sucker	Endangered
Pariette cactus	Bonytail chub	Endangered
Mountain plover	Colorado pike minnow	Endangered
Grahm beard tongue	Whooping crane	Endangered
Horseshoe milkvetch	Humpback chub	Endangered
White R. beard tongue	Bald eagle	Threatened
	Black-footed ferret	Endangered
	Ute ladies-tresses orchid	Threatened
	Barneby ridge-cress	Endangered
	Shrubby reed-mustard	Endangered
	Uinta Basin hookless cactus	Threatened
	Clay reed-mustard	Threatened
	Mexican spotted owl	Threatened
	Southwestern willow flycatcher	Endangered

The Endangered Species Act also prohibits the “taking” of a protected species. Any unpermitted activity on any land that results in taking of federally listed species constitutes violation of Section 9 of the Endangered Species Act. “Taking” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempting to engage in any such conduct. This can include significant habitat modification or degradation where it kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

16.3.7 The U. S. Forest Service (FS)^{100,101,103}

Water-related programs of the FS include watershed management, special use authorization for water development projects, and coordination with local, state and federal agencies. They also manage wilderness areas on national forest lands.

Watershed Management - Watershed protection insures that activities do not cause undue soil erosion and stream sedimentation, do not reduce soil productivity, or do not otherwise degrade water quality. Water yields may be affected primarily through snowpack management because of timber harvest using well-planned layout and design. Potential increases may approach one half acre-foot per acre for some treated areas, but multiple-use considerations and specific onsite conditions may limit actual increases.

Special Use Authorization - Construction and operation of reservoirs, conveyance ditches, hydropower facilities and other water developments require special use authorization and an annual fee. Authorization contains conditions necessary to protect all other resource uses. Coordination of water developments by others requires communication early in the planning process to guarantee environmental concerns are addressed. The FS has prepared a *Resource Management Plan* along with a Monitoring and Evaluation Program for the Uintah National Forest. Also, a Record of Decision for oil and gas leasing in the Western Uintah Basin was completed in 1997.⁹⁹

High Uinta Wilderness Area

The FS is developing a plan to manage the High Uinta Wilderness Area in a manner that

protects wilderness values while providing for compatible human use. Enlargement of the existing wilderness area is being studied. The draft document, completed in 1998, was criticized by a number of environmental groups as inadequate.

National Wild and Scenic Rivers System

A Draft Inventory of Rivers on the Uintah National Forest eligible for inclusion in the National Wild and Scenic Rivers System was completed by the FS in 1997. No sections of streams in the Uintah National Forest within the Uintah Basin are eligible for the National Wild and Scenic Rivers Program.

Forest Plan

The FS has completed a *Land and Resource Management Plan* for the Ashley National Forest.¹⁰³ The forest is administered by the Forest Service and covers approximately 1.3 million acres within the boundaries of Uintah, Duchesne, Daggett, Summit and Wasatch counties. This *Land and Resource Management Plan* will guide all natural resource management activities and establish management standards and guidelines for the Ashley National Forest. It describes resource management practices, levels of resource production and management, and the availability and suitability of lands for resource management.

16.3.8 U. S. Geological Survey (USGS)¹⁴²

The USGS, through its Water Resources Division, investigates the occurrence, quantity, distribution, and movement of surface and groundwater. It also coordinates federal water data acquisition activities.

The USGS cooperates with various state and local agencies and other federal agencies. Programs include water quality and groundwater. They read and evaluate surface water stream gages. The agency includes the Biological Survey.

16.3.9 Natural Resources Conservation Service (NRCS)¹⁰⁵

The NRCS provides technical and financial assistance to conserve soil, water and related resources on non-federal land through local soil conservation districts. In addition to working with

individual landowners and units of government, the NRCS administers the programs described below:

- Published soil surveys contain descriptions of an area's soils, their uses and management, and maps depicting the extent of these soils. The surveys give information about non-federal lands.
- Through the snow survey program, the NRCS measures snow water equivalent and precipitation at 33 snow course sites (20 of which are SNOTEL sites) with locations ranging in elevation from 7,900 feet to 11,100 feet. These data are available to the public electronically. Basin outlook reports that compare current snowpack, precipitation and reservoir storage to average amounts and forecast stream flows are published January through June. The NRCS cooperates with the National Weather Service in making streamflow and flood forecasts.
- River basin studies - Technical and financial assistance for watershed protection and flood prevention and the emergency watershed protection program were all authorized by the Small Watershed Protection and Flood Prevention Program (PL-566). The Emergency Watershed Protection Program provides immediate technical and financial assistance to relieve hazards to life and property resulting from conditions created by natural disasters.
- Watershed Protection and Flood Prevention Studies (PL-566) were completed for the Dry Fork Project in east-central Duchesne and west-central Uintah counties, Hancock Cove Watershed Project, Martin Lateral and Coyote Wash. Reservoirs were proposed for Blanchett Park and Twin Lakes on the Dry Fork as well as the Crow Creek site on the Deep Creek drainages in Uintah County.
- Rural Development in Utah operates programs through the USDA Rural Housing Services Community Facilities Program that can provide

loan funds for watershed improvements and hydroelectric plants.

16.3.10 Farm Service Agency (FSA)

The FSA administers the following programs:

- Agricultural Market Transition Program
- Commodity Loan Programs
- Commodity Purchase Programs
- Non-Insured Crop Disaster Assistance Program
- Farm Loans
- Conservation Programs

The Agricultural Market Transition Program is a program for farmers who participated in the prior Wheat and Feed Grain Program and allows eligible farmers to enter into seven-year production flexibility contracts and receive a series of fixed annual "transition payments." The purpose of the program is to transition producers who have been earning deficiency payments from government-driven planting decisions to market-driven planting decisions.

The Commodity Loan Programs provide producers who have entered into a production flexibility contracts interim financing by making non-recourse loans. The crop itself is used for collateral. Non-recourse means that the producer can discharge debts in full by forfeiting or delivering the commodity to the government. At any time during the term of the loan, the producer can sell the commodity and use the proceeds to repay the loan.

Commodity Purchase Programs are administered through the Commodity Credit Corporation (CCC). The FSA operates the CCC which acquires commodities that are forfeited under the Commodity Loan Programs. Also, under the dairy price support program, the CCC buys surplus butter, cheese and nonfat dry milk from processors. These purchases help maintain market prices at the legislated support level. The CCC liquidates these commodities by either selling or swapping in the private sector or by donating to foreign or domestic feeding programs.

The Non-Insured Crop Disaster Assistance Program provides assistance to growers of crops for which federal crop insurance is not available. Payments are made to eligible producers when the

expected area yield is less than 65 percent of normal and individual crop losses are in excess of 50 percent of the average yield. Payments are made on losses above 50 percent at 60 percent of the expected market price. To be eligible for this program, a farmer must report acres and yields to the FSA by the yearly deadline.

The FSA offers direct and guaranteed farm ownership and operating loan programs to farmers who are temporarily unable to obtain private, commercial credit. Under the guaranteed loan program, the FSA guarantees loans made by conventional agricultural lenders for up to 95 percent of principal. For those unable to qualify for a guaranteed loan, the FSA also lends directly. Direct loans are made and serviced by FSA officials, who also provide borrowers with supervision and credit counseling.

16.3.11 Cooperative State Research, Education and Extension Service

This agency is assigned responsibility for all cooperative research programs previously performed by the Cooperative State Research Service. It is also assigned all cooperative education and extension programs presently under the Extension Service. This agency provides information and education.

The NRCS also coordinates the Colorado River Salinity Program to reduce salt loading from poor irrigation practices in the Duchesne/Strawberry and Ashley/Brush units.

16.3.12 Rural Development

Rural Development is authorized to provide financial assistance for water and waste disposal facilities in rural areas and towns of up to 10,000 people. Priority will be given to public entities in areas smaller than 5,500 people. To be eligible for loan and grant funds, water or waste disposal systems must be consistent with state or subdivision development plans and rules. Rural Development also makes loans for resource conservation and development projects.

16.4 Federal Concerns

Federal agencies identified four concerns in the *1990 State Water Plan*. All apply to the Uintah

Basin. These concerns were: 1) reserved water rights, 2) interrelated planning, 3) stream and riparian habitat loss, and 4) water right filings. The agencies have made progress on all these concerns.

One other concern that has been raised is the lack of coordination between federal, state, and local officials and the Ute Indian Tribe during planning and implementation of various programs. More can be done to promote better working relationships between local, state, Indian and federal jurisdictions. □